

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE**

<b>UNITED STATES OF AMERICA</b>	)	
	)	
<b>Plaintiff,</b>	)	
<b>V.</b>	)	<b>NO. 3:11-CR-25</b>
	)	<b>J. PHILLIPS</b>
	)	
<b>DAVID MINER</b>	)	
	)	
<b>Defendant.</b>	)	

**SECOND MOTION TO CONTINUE TRIAL**

Comes the Defendant, by and through counsel, and move the Court pursuant to 18 U.S.C. 3161(h)(7)(B) to continue the trial of this matter set for July 17, 2012. In support of the motion, the defendant would show the following:

1. Counsel believed this trial to be a four-day trial and calendared accordingly. It has since been determined this trial will be five to seven days long. Counsel is unavailable due to commitments in District Court and at the Sixth Circuit Court of Appeals.

2. Also, despite reasonable diligence on the part of counsel, the case is not yet ready for hearing.

3. Granting a continuance in this case will serve the ends of justice in that the need for additional time to properly prepare the case outweighs the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A) & (B).

4. The right to a speedy trial has been fully explained to the defendant, who is

not detained by the federal government pending trial, and he understands that the period of time between the filing of this motion for continuance and the rescheduled trial/change of plea date shall be fully excludable for speedy trial purposes.

5. The government does not object to this continuance.

Respectfully submitted this 12th day of June, 2012.

FEDERAL DEFENDER SERVICES  
OF EASTERN TENNESSEE, INC.

s/ Laura E. Davis  
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**CERTIFICATE OF SERVICE**

I hereby certify that on June 12, 2012, a copy of the foregoing Motion to Continue Trial was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. Mail. Parties may access this filing through the Court's electronic filing system.

s/ Laura E. Davis  
Laura E. Davis